

UNITED STATES DISTRICT COURT
DISTRICT OF NEW HAMPSHIRE

Contour Design, Inc.

v.

Civil No. 09-cv-00451-JL

Chance Mold Steel Co.,
Ltd., et al.

SUMMARY ORDER

Per the conference call between court and counsel, Chance shall produce to Contour, on or before **January 21, 2011**, all documents in Chance's possession, custody, or control that are responsive to Countour's document request no. 14, dated September 24, 2010. Chance's objection that a "common interest" privilege protects those documents is overruled, to the extent those documents were not protected by some other privilege in the first place. See Cavallaro v. United States, 284 F.3d 236, 250 (1st Cir. 2002); In re Grand Jury Subpoenas, 902 F.2d 244, 249 (4th Cir. 1990) ("as an exception to waiver, the joint defense or common interest rule presupposes the existence of an otherwise valid privilege," which had been found in that case). If, however, Chance wishes to assert another privilege as to any of the responsive documents, it shall submit those documents to the court for *in camera* inspection, together with a brief memorandum explaining its position, on or before **January 21, 2011**. The

court's ruling on any documents so submitted shall take into account Contour's argument that Chance has waived any and all privileges by not asserting them when agreeing to produce the responsive documents.

SO ORDERED.



Joseph N. Laplante
United States District Judge

Dated: January 7, 2011

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